Remarks/Arguments

Claims 1-20 are pending in this application, and are rejected in the Office Action of July 27, 2006. No claim amendments are presented herein. However, a current listing of the claims is included herein for the Examiner's convenience.

Re: Claims 1-3 and 15-16

Claims 1-3 and 15-16 are rejected under 35 U.S.C. §102(e) as anticipated by U.S. Patent No. 6,597,791 issued to Klayman (hereinafter "Klayman"). Applicant respectfully traverses this rejection since Klayman fails to teach or suggest all elements of the claimed invention. Applicant first notes that independent claims 1 and 15 include:

> "means for providing tonal compensation for the (L+R) signal **by increasing an amplitude of the *(L+R) signal* in a bass frequency band relative to a mid-range frequency band**" (see claim 1 - emphasis added), and
>
> "providing tonal compensation for the (L+R) signal ***by increasing an amplitude of the (L+R) signal in a treble frequency band relative to a mid-range frequency band***" (see claim 15 - emphasis added).

In the Office Action of July 27, 2006, the Examiner alleges that signal adjusting device 36 of Klayman (see FIG. 1) corresponds to the foregoing elements of independent claims 1 and 15 (see pages 3-4 of Office Action). However, Klayman nowhere discloses that signal adjusting device 36 performs tonal compensation in the manner defined by independent claims 1 and 15. In particular, Klayman describes the operation of signal adjusting device 36 by stating:

> "The devices 36 and 38 are ideally potentiometers or similar variable-impedance devices. Adjustment of the devices 36 and 38 is typically performed manually by a user to control the base level of sun and difference signal present in the output signals. This allows a user to tailor the level and aspect of stereo enhancement according to the type of sound reproduced, and depending on the user's personal preferences" (see column 4, lines 37-45)

As indicated above, Klayman simply teaches that signal adjusting device 36 is adjusted manually by a user according to his/her personal preferences, but provides absolutely no specific details regarding of how such adjustment may be made. Accordingly, Klayman fails to teach or suggest, *inter alia*, "means for providing tonal compensation for the (L+R) signal by increasing an amplitude of the (L+R) signal in a bass frequency band relative to a mid-range frequency band" as recited in claim 1, or "providing tonal compensation for the (L+R) signal by increasing an amplitude of the (L+R) signal in a treble frequency band relative to a mid-range frequency band" as recited in claim 15. In view of this clarification, Applicant respectfully requests withdrawal of the rejection of claims 1-3 and 15-16.

Re: Claims 4 and 10

Claims 4 and 10 are rejected under 35 U.S.C. §103(a) as being unpatentable over Klayman. Applicant respectfully traverses this rejection since Klayman fails to teach or suggest all elements of the claimed invention.

Applicant first notes that independent claims 1 (from which claim 4 depends) and 10 include:

> "means for providing tonal compensation for the (L+R) signal ***by increasing an amplitude of the (L+R) signal in a bass frequency band relative to a mid-range frequency band***' (see claim 1 – emphasis added), and
>
> "circuitry operative to provide tonal compensation for the (L+R) signal path ***by increasing an amplitude of an (L+R) signal in a bass frequency band and a treble frequency band relative to a mid-range frequency band, and wherein the tonal compensation of the (L+R) signal path is approximately complementary to a tonal frequency response of the (L-R) signal path***" (see claim 10 – emphasis added).

As previously indicated above, the Examiner alleges that signal level adjusting device 36 of Klayman (see FIG. 1) corresponds to the foregoing elements of claim 1. The Examiner also alleges that signal level adjusting device 36 of Klayman corresponds to the foregoing elements of claim 10 (see pages 5-6 of Office Action

dated July 27, 2006). Also indicated above, column 4, lines 37-45 of Klayman simply teach that signal adjusting device 36 is adjusted manually by a user according to his/her personal preferences, but provides absolutely no specific details regarding of how such adjustment may be made. Accordingly, Klayman fails to teach or suggest, *inter alia*, "means for providing tonal compensation for the (L+R) signal by increasing an amplitude of the (L+R) signal in a bass frequency band relative to a mid-range frequency band" as recited in claim 1 (and included in dependent claim 4), or "circuitry operative to provide tonal compensation for the (L+R) signal path by increasing an amplitude of an (L+R) signal in a bass frequency band and a treble frequency band relative to a mid-range frequency band, and wherein the tonal compensation of the (L+R) signal path is approximately complementary to a tonal frequency response of the (L-R) signal path" as recited in claim 10.

On pages 5-6 of the Office Action dated July 27, 2006, the Examiner admits that Klayman does not disclose that the tonal compensation of the (L+R) signal path is approximately complementary to a tonal frequency response of the (L-R) signal path, as claimed. The Examiner then alleges that this feature is obvious simply because Klayman's signal adjusting device 36 is manually adjustable by a user. In particular, the Examiner alleges:

> "Klayman discloses that adjustment of the devices 36 and 38 is typically performed manually by a user control where an increase in the level of the sum signal emphasizes the audio signal appearing at a center stage position between a pair of speakers. Conversely, an increase in the level of the difference signal emphasizes the ambient sound information creating the perception of a wide sound image (col. 4, lines 42-53). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to produce complementary curves to produce a sound image for a stereophonic signal."

In response, Applicant notes that manual adjustability alone does not in any way teach or suggest the desirability of providing tonal compensation of the (L+R) signal path that is approximately complementary to a tonal frequency response of the (L-R) signal path, as claimed. Applicant further notes that the mere fact that the prior art ***could*** be modified to produce a claimed invention is not a basis for an

obviousness rejection under 35 U.S.C. §103 unless the prior art suggests the desirability of such a modification. See, for example, *In re Gordon*, 733 F. 2d 900, 221 USPQ 1125 (Fed. Cir. 1984) and *In re Laskowski*, 871 F.2d 115, 10 USPQ2d 1397 (Fed. Cir. 1989). In this case, Klayman provides absolutely no teaching or suggestion regarding the ***desirability*** of providing tonal compensation of the (L+R) signal path that is approximately complementary to a tonal frequency response of the (L-R) signal path, as claimed, but rather, simply discloses that signal adjusting device 36 may be manually adjusted according to a user's personal preferences. Accordingly, Klayman is insufficient as a matter of law to sustain a rejection under 35 U.S.C. §103(a). In view of this clarification, Applicant respectfully requests withdrawal of the rejection of claims 4 and 10.

Re: Claims 5-9, 11-14 and 17-20

Claims 5-9, 11-14 and 17-20 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Klayman in view of U.S. Patent No. 5,208,493 issued to Lendaro (hereinafter, "Lendaro"). Applicant respectfully traverses this rejection since Lendaro is unable to remedy the deficiencies of Klayman pointed out above with reference to independent claims 1, 10 and 15 (from which claims 5-9, 11-14 and 17-20 depend). In particular, neither Klayman nor Lendaro, whether taken individually or in combination, teaches or suggests, *inter alia*, "means for providing tonal compensation for the (L+R) signal by increasing an amplitude of the (L+R) signal in a bass frequency band relative to a mid-range frequency band" as recited in claim 1, "circuitry operative to provide tonal compensation for the (L+R) signal path by increasing an amplitude of an (L+R) signal in a bass frequency band and a treble frequency band relative to a mid-range frequency band" as recited in claim 10, or "providing tonal compensation for the (L+R) signal by increasing an amplitude of the (L+R) signal in a treble frequency band relative to a mid-range frequency band" as recited in claim 15. Accordingly, the proposed combination of Klayman and Lendaro fails to render obvious dependent claims 5-9, 11-14 and 17-20, and withdrawal of the rejection is respectfully requested.

Conclusion

In view of the foregoing remarks and arguments, Applicant believes that this application stands in condition for allowance. Accordingly, reconsideration and allowance are respectfully solicited. If, however, the Examiner is of the opinion that such action cannot be taken, the Examiner is invited to contact the Applicant's attorney at (609) 734-6813, so that a mutually convenient date and time for a telephonic interview may be scheduled. No fee is believed due. However, if a fee is due, please charge the fee to Deposit Account 07-0832.

Respectfully submitted,
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October 23, 2006

CERTIFICATE OF MAILING

I hereby certify that this amendment is being deposited with the United States Postal Service as First Class Mail, postage prepaid, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450 on:

10-23-06 Karen Sculanch
Date